

PACHULSKI STANG ZIEHL & JONES LLP
Debra I. Grassgreen (CA Bar No. 169978)
Jason H. Rosell (CA Bar No. 269126)
One Sansome Street, Suite 3430
San Francisco, California 94104
Telephone: (415) 263-7000
Facsimile: (415) 263-7010
E-mail: dgrassgreen@pszjlaw.com
jrosell@pszjlaw.com

[Proposed] Counsel to the Debtor

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:

INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION,

Debtor.

Case No. 23-30662-HLB

Chapter 11

***EX PARTE MOTION FOR AN ORDER
SHORTENING TIME TO HEAR THE
FIRST DAY MOTIONS***

The International Longshore and Warehouse Union (“ILWU” or “Debtor”), the debtor and debtor in possession in the above-captioned case (the “Chapter 11 Case”), hereby applies on an *ex parte* basis for the entry of an order shortening time to hear the Debtor’s (1) *Emergency First Day Motion for Interim and Final Orders Authorizing Debtor to Honor Prepetition Obligations to Employees* [Docket No. 7] (the “Employee Motion”) and (2) *Emergency Motion for Entry of Interim and Final Orders Authorizing the Debtors to (A) Continue Operating Cash Management System, (B) Honor Certain Prepetition Obligations Related Thereto, (C) Maintain Existing Business Forms, and (D) Granting Related Relief* [Docket No. 8] (the “Cash Management Motion” and together with the Employee Motion, the “First Day Motions”).

This Motion is made pursuant to Rule 9006 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 9006-1 of the Bankruptcy Local Rules for the Northern District of California (the “Local Rules”). In support of the Motion, the Debtor submits the declaration of Jason H. Rosell (the “Rosell Declaration”), filed contemporaneously herewith, and respectfully states as follows:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

2
3

4
5
6
7
8
9
0
1
2

3

4
5
6

7

8
9
20

21
22
23

4

25
26
27
28

1 whether by stipulation or court order; (3) the effect of the requested time modification on the schedule
2 for the case or proceeding; and (4) the efforts made to speak with the respondent, and if the movant
3 has spoken with the respondent, the reasons given for any refusal to agree to the request.

4 Local Rule 9006-1(c)(1). As set forth above and in the Rosell Declaration, there are
5 compelling reasons for an expedited hearing on the First Day Motions. For example, (1) the Employee
6 Motion seeks authority to permit the Debtor to continue to honor employee benefits, which is critical
7 to maintaining employee morale during the transition into bankruptcy and (2) the Cash Management
8 Motion seeks authority to maintain the Debtor's cash management system, which is critical to
9 processing postpetition payments, including payroll.

10 Local Rule 9006-1(c)(2). No previous time modifications related to this request have been
11 made.

12 Local Rule 9006-1(c)(3). The effect of this request for shortened time is minimal with respect
13 to third parties as the initial relief requested in the First Day Motions is on an *interim* basis.

14 Local Rule 9006-1(c)(4). Counsel to the Debtor has confirmed that the Office of the United
15 States Trustee **consents** to the First Day Motions being heard on October 3, 2023. However, Mr. Jared
16 Day of the Office of the United States Trustee is unavailable between 9:00 a.m. and 10:00 a.m. (Pacific
17 Time) on October 3, 2023.

18 The Debtor proposes to serve the First Day Motions, the *Declaration of William E. Adams in*
19 *Support of First Day Motions* [Docket No. 9], and a copy of any order granting the relief requested
20 herein by overnight mail, email, or electronic service through the Court's CM/ECF system by no later
21 than October 2, 2023 at 4:00 p.m. (Pacific Time) on the following parties:

- 22 1. All creditors set forth in the Debtor's List of Creditors Who Have the 20 Largest
23 Unsecured Claims and Are Not Insiders [Docket No. 2].
- 24 2. Jared R. Day, Office of the United States Trustee for Region 17.
- 25 3. Any creditor or interested party that has filed a notice of appearance and request
26 for notice pursuant to Bankruptcy Rule 2002.
- 27 4. All employees affected by the Employee Motion.
- 28 5. All banks or financial institutions affected by the Cash Management Motion.

6. The U.S. Internal Revenue Service and all California taxing authorities.

CONCLUSION

For the reasons set forth above, the Debtor seeks the entry of an order, substantially in the form attached hereto as **Exhibit A**, shortening time for a hearing on the First Day Motions.

Dated: October 2, 2023

PACHULSKI STANG ZIEHL & JONES LLP

/s/ *Jason H. Rosell*

Debra I. Grassgreen
Jason H. Rosell

[Proposed] Counsel to the Debtor

EXHIBIT A

Proposed Order

PACHULSKI STANG ZIEHL & JONES LLP
Debra I. Grassgreen (CA Bar No. 169978)
Jason H. Rosell (CA Bar No. 269126)
One Sansome Street, Suite 3430
San Francisco, California 94104
Telephone: (415) 263-7000
Facsimile: (415) 263-7010
E-mail: dgrassgreen@pszjlaw.com
jrosell@pszjlaw.com

[Proposed] Counsel to the Debtor

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:

INTERNATIONAL LONGSHORE
AND WAREHOUSE UNION,

Debtor.

Case No. 23-30662-HLB

Chapter 11

**ORDER GRANTING *EX PARTE* MOTION
FOR AN ORDER SHORTENING TIME TO
HEAR THE FIRST DAY MOTIONS**

First Day Hearing:

Date: October 3, 2023
Time: 3:00 p.m. (Pacific Time)
Place: Zoom / Telephonic

Judge: Hon. Hannah L. Blumenstiel

The Court having considered the *Ex Parte Motion for an Order Shortening Time to Hear the First Day Motions* [Docket No. •] (the “Motion”)¹ filed by the above-captioned debtor (the “Debtor”); and based upon the Court’s review of the Motion, the declarations and other pleadings filed in the support of the Motion; and the Court finding that good cause exists for the relief requested,

IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED**.
2. The hearing to consider the **interim** relief requested in the Employee Motion [Docket No. 7] and Cash Management Motion [Docket No. 8] (together, the “First Day Motions”) will be held on **October 3, 2023 at 3:00 p.m. (Pacific Time)** (the “First Day Hearing”). In the event the Court

¹ A capitalized term used but not defined herein shall have the meaning ascribed to it in the Motion.

1 grants either First Day Motion on an interim basis, it will set that motion for a final hearing to take
2 place on a later date.

3 3. The First Day Hearing will convene via Zoom or telephone. The Court encourages all
4 interested parties to consult the Court's website (<https://www.canb.uscourts.gov/>) for information
5 explaining how to arrange an appearance at a video/telephonic hearing. If you have questions about
6 court operations or how to participate in a video hearing, you may contact the court by calling 888-
7 821-7606 or by using the Live Chat feature on the Court's website.

8 4. On or before **October 2, 2023 at 4:00 p.m. (Pacific Time)**, the Debtor shall serve the
9 First Day Motions, the *Declaration of William E. Adams in Support of First Day Motions* [Docket No.
10 9], and a copy of this order by overnight mail, email, or electronic service through the Court's CM/ECF
11 system on the following parties:

- 12 a. All creditors set forth in the Debtor's List of Creditors Who Have the 20 Largest
13 Unsecured Claims and Are Not Insiders [Docket No. 2].
- 14 b. Jared R. Day, Office of the United States Trustee for Region 17.
- 15 c. Any creditor or interested party that has filed a notice of appearance and request
16 for notice pursuant to Bankruptcy Rule 2002.
- 17 d. All employees affected by the Employee Motion.
- 18 e. All banks or financial institutions affected by the Cash Management Motion.
- 19 f. The U.S. Internal Revenue Service and all California taxing authorities.

20 5. This Order shall serve as notice of the First Day Hearing. Debtor's counsel shall not
21 prepare, file, or serve a separate notice of hearing.

22 6. The Debtor shall file a certificate of service demonstrating timely compliance with
23 paragraph 4 of this Order by no later than October 3, 2023 at 1:00 p.m. (Pacific Time).

24 7. Objections, if any, to interim relief requested in any of the First Day Motions shall be
25 filed no later than **October 3, 2023 at 1:00 p.m. (Pacific Time)**. No opposition shall exceed 10 pages,
26 absent prior leave of the Court. This page limit shall not apply to declarations or requests for judicial
27 notice that might be filed in support of any opposition. Absent good cause, any untimely opposition
28 will not be considered.

1 8. Any unexcused failure on the part of the Debtor to timely comply with this order may
2 result in denial of some or all of the First Day Motions.

3 **** END OF ORDER ****
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28